

[1 & 2 GEO. 6.] *Bournemouth Corporation* [Ch. xxi.]  
*(Trolley Vehicles) Order Confirmation*  
*Act, 1938.*



**CHAPTER xxi.**

An Act to confirm a Provisional Order made by the Minister of Transport under the Bournemouth Corporation Act 1930 relating to Bournemouth trolley vehicles. A.D. 1938.  
[26th May 1938.]

**W**HEREAS under the authority of section one hundred and two of the Bournemouth Corporation Act 1930 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed : 20 & 21  
Geo. 5.  
c. clxxxi.

And whereas a Provisional Order made by the Minister of Transport under the authority of the said section is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Order as amended and set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and Confirma-  
tion of  
Order in  
schedule.

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A.D. 1938. — form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act.

Short title.        2. This Act may be cited as the Bournemouth Corporation (Trolley Vehicles) Order Confirmation Act 1938.

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SCHEDULE.

A.D. 1938.

**BOURNEMOUTH CORPORATION (TROLLEY  
VEHICLES).**

*Order authorising the mayor aldermen and burgesses of the borough of Bournemouth to work and use trolley vehicles upon additional routes in the borough of Bournemouth and in the borough of Christchurch.*

1.—(1) This Order may be cited as the Bournemouth Corporation (Trolley Vehicles) Order 1937. Short and collective titles.

(2) The Bournemouth Corporation Act 1930 and this Order may be cited together as the Bournemouth Corporation (Trolley Vehicles) Act and Order 1930 and 1937.

2. In this Order the following expressions have the meanings hereby assigned to them respectively (that is to say):— Interpretation.

“The borough” means the county borough of Bournemouth;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The Act of 1930” means the Bournemouth Corporation Act 1930;

“Trolley vehicle” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1930;

“The Minister” means the Minister of Transport.

3.—(1) Subject to the provisions of this Order and of the Act of 1930 so far as such provisions relate to trolley vehicles and trolley vehicle routes and are applicable to this Order the Corporation may work and use trolley vehicles upon the following routes (in the borough except where otherwise stated) in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say):— Power to use trolley vehicles upon certain routes.

Route No. 1 (1 mile 1 furlong 9·5 chains or thereabouts in length) commencing in Columbia Road at its junction with Kinson Road proceeding along Columbia Road and Ensbury Park Road and terminating therein at its junction with Wimborne Road;

Route No. 2 (1 mile 1 furlong 4·7 chains or thereabouts in length) commencing in Redhill Drive at its junction with Ensbury Park Road proceeding along Redhill Drive



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to and along Coombe Avenue and along Leybourne Avenue and Northbourne Avenue and terminating in the last-mentioned road at its junction with Wimborne Road;

Route No. 3 (3 miles 0 furlong 3·7 chains or thereabouts in length) commencing in Castle Lane at its junction with Lawford Road proceeding along Castle Lane and terminating therein at its junction with Christchurch Road;

Route No. 4 (1 mile 4 furlongs or thereabouts in length) commencing in Alma Road at its junction with Wimborne Road proceeding along Alma Road and along Richmond Park Road and terminating therein at its junction with Holdenhurst Road;

Route No. 5 (1 mile 4 furlongs 4·8 chains or thereabouts in length) commencing in Tuckton Road at its junction with Bellevue Road proceeding along Tuckton Road and Cranleigh Road to and along Beaufort Road and Beresford Road and terminating in that road at its junction with Southbourne Grove;

Route No. 6 (1 furlong 3 chains or thereabouts in length) commencing in Parkwood Road at its junction with Seabourne Road proceeding in a north-easterly direction along Parkwood Road to and along Southbourne Road in a south-easterly direction and terminating in that road at its junction with Beresford Road;

Route No. 8 (1 mile 2 furlongs 6·5 chains or thereabouts in length to be situate in the borough and in the borough of Christchurch) commencing in Christchurch Road at its junction with Iford Lane proceeding along Christchurch Road and along Barrack Road and terminating therein at its junction with Stour Road Christchurch:

Provided that—

- (a) Before equipping any route to include a turning point or arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval and shall also submit a copy of such plans to the chief constable of Hampshire and before approving any such plans the Minister shall give to the chief constable an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him;

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(b) Section 124 (Restricting running of omnibuses in competition) of the Act of 1930 shall not apply to any route authorised by this Order which was not before the confirmation of this Order a protected route within the meaning of that section. A.D. 1938.

(2) The application of the provisions of the Act of 1930 as amended by the Road Traffic Act 1930 to this Order in accordance with subsection (1) of section 102 of the Act of 1930 shall have effect with any necessary modification and so far only as the same are applicable for the purpose and for the purpose of such application the expressions "trolley vehicles" and "trolley vehicle route" where used in the Act of 1930 shall be deemed to include the trolley vehicles and the routes authorised by this Order and the expression "trolley vehicle undertaking" where used in the Act of 1930 shall include the trolley vehicles and trolley vehicle routes authorised by this Order.

4. If the Corporation shall not have commenced to use trolley vehicles upon each of the routes authorised by this Order within five years from the passing of the Act confirming this Order or such extended time as the Minister may upon the application of the Corporation (and in the case of a route outside the borough after considering the representations of the local authority and the highway authority concerned) allow the powers conferred by this Order shall so far as they relate to the use of trolley vehicles upon any route upon which the Corporation shall not have commenced to use trolley vehicles cease to be exercisable. Period for commencement of trolley vehicle services.

5. The Corporation shall not exercise the powers of section 90 (Power to use trolley vehicles) of the Act of 1930 for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depot garage building or work of the Corporation in relation to any road or street in the borough of Christchurch without the consent of the mayor aldermen and burgesses of the borough of Christchurch which consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by the Minister of Transport. As to turning places &c. in Christchurch.

6. Notwithstanding anything contained in this Order the following provisions for the protection of the mayor aldermen and burgesses of the borough of Christchurch (in this section referred to as "the Christchurch Corporation") shall unless otherwise agreed in writing between the Corporation and the Christchurch Corporation apply and have effect (that is to say) :— For protection of Christchurch Corporation.

(1) No advertisement (other than time tables and notices relating to the Corporation's trolley vehicle undertaking) shall be displayed on any apparatus erected or used on



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any road or bridge in the borough of Christchurch under the powers of this Order without the consent of the Christchurch Corporation which consent shall not be unreasonably withheld :

- (2) The Christchurch Corporation with the consent of the Corporation may use free of cost for the purpose of fixing thereto street lamps lighting brackets street names fire alarm plates or direction signs any posts or standards provided or used by the Corporation in the borough of Christchurch under or by virtue of the provisions of this Order but not so as to interfere with the use of such posts or standards for the purposes of the Corporation or to make the same unfit for such purposes or dangerous to persons or traffic in or passing through the adjoining streets or roads and the Christchurch Corporation shall pay the cost where necessary of insulating the posts or standards so used and shall make compensation to the Corporation for any damage which may be caused to the said posts or standards by reason of the exercise of the powers contained in this subsection and shall indemnify the Corporation against any claim or demand which may be occasioned by such user Any consent of the Corporation under this subsection shall not be unreasonably withheld :
- (3) Any difference which may arise between the Corporation and the Christchurch Corporation with regard to any of the matters referred to in this section or as to whether or not any consent has been unreasonably withheld shall be settled by an engineer to be appointed in default of agreement on the application (after notice in writing to the other of them) of the Corporation or the Christchurch Corporation by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or of any statutory modification or re-enactment thereof shall apply to any such arbitration.

For  
protection  
of Bourne-  
mouth and  
Poole  
Electricity  
Supply  
Company  
Limited.

45 & 46 Vict.  
c. 56.

7. The following provisions for the protection of the Bournemouth and Poole Electricity Supply Company Limited (in this section called "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect :—

- (1) In this section the expression "works" where used with reference to works of the company has the meaning assigned to that expression in the Electric Lighting Act 1882 :
- (2) Nothing in this Order or in any Act or any other Order in the application of such Act or Order to the working of trolley vehicles and trolley vehicle routes authorised

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by this Order shall extend to or authorise any interference with any works of the company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 :

A.D. 1938.

62 & 63 Vict.  
c. 19.

- (3) Before placing or erecting any apparatus or equipment for or in connection with the working of trolley vehicles on any of the routes authorised by this Order in any road in under or over which any works of the company are situate the Corporation shall (unless they contemplate altering the position of any such works) give seven days' notice to the company of their intention to place or erect such apparatus or equipment and shall at the same time deliver a plan and section of the proposed work. If it should appear to the company that the placing or erection of such apparatus as proposed would interfere with or endanger any such works of the company or interfere with or impede the supply of electricity by the company the company may give notice to the Corporation to lower or otherwise alter the position of such works or to support the same or to substitute temporarily or otherwise other works in such manner as may be considered necessary and any difference as to the necessity of such lowering alteration support or substitution shall be settled by arbitration in manner provided by section 28 of the Electric Lighting Act 1882 :

Provided that if the Corporation are required by an arbitrator to alter the position of any such works the alterations shall be carried out subject to and in accordance with the provisions of paragraphs (e) to (i) of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 :

- (4) (a) If any structure which shall hereafter be erected by the Corporation under the powers of section 115 or section 116 of the Act of 1930 is situate in any highway forming part of any of the routes authorised by this Order over any works of the company laid or placed before the erection of the structure and the company give to the Corporation notice in writing of their desire to obtain access to such works the Corporation shall either remove temporarily the structure or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove the structure or part thereof) bear any additional expense due to the existence of the structure which may be reasonably incurred by the company in obtaining such access ;



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(b) Any difference between the company and the Corporation arising under this subsection shall be referred to and settled by a single arbitrator to be agreed upon between the Corporation and the company or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to the arbitration.

52 & 53 Vict.  
 c. 49.  
 24 & 25  
 Geo. 5. c. 14.

Borrowing  
 powers.  
 23 & 24  
 Geo. 5. c. 51.

8.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The provision of trolley vehicles -	£ 54,000	Ten years.
(b) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles along the routes authorised by this Order.	44,000	Twenty years.
(c) The payment of the costs charges and expenses of this Order.	The sum requisite.	Five years from the confirmation of this Order.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order or the provisions of any scheme made under section 244 (Consolidated loans fund) of the Act of 1930 shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the said provisions of the Local Government Act 1933 to the borrowing of any further money for



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the purposes of this Order the Minister shall be the sanctioning authority. A.D. 1938.

9. All regulations and byelaws relating to the trolley vehicles authorised by the Act of 1930 and made in pursuance of that Act or any other statutory enactment shall with any necessary modifications apply to the trolley vehicles used by the Corporation in pursuance of this Order. Application of byelaws.

10. The provisions of section 250 of the Local Government Act 1933 shall not apply in respect of byelaws to be made by the Corporation in pursuance of Part IV (Trolley vehicles omnibuses and tramways) of the Act of 1930. Procedure for making byelaws.

11. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Order and section 290 of the Local Government Act 1933 shall apply accordingly. Inquiries by Minister.

12. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation. Costs of Order.

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